IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3030 OF 2006

Sameer Madan Patil — Applicant
versus
State of Maharashtra — Respondent

M.N.Gavankar i/by Arfan Sait for applicant.
P.S.Hingorani, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd August 2006

PC :

1. The applicant is an accused in CR No.48 of 1999 registered at Sangli City Police Station. After filing of the charge sheet a case has been registered as Sessions Case No.150 of 1999. Same is committed to the Court of Sessions, at Sangli.

2. The applicant filed Criminal Application No.3699 of 2000 for bail. By an order dated 25th January 2000 this Court released the applicant on bail and imposed conditions as are noted in the order dated 25th January 2000.

3. The Sessions Case is still pending. It is a

case of 1999 and Shri Hingorani - learned APP has informed me on instructions that no witnesses have been examined as yet in this case.

4. It appears that the applicant applied for exemption before the Sessions Judge and he was exempted from attendance once but on the condition that he should remain present on the subsequent date. The learned Judge apparently disturbed with the repeated exemptions sought proceeded to issue non bailable warrant upon cancellation of the bail for his non attendance.

5. The application for recalling the order cancelling the bail and issuing non bailable warrant, has already been rejected.

6. This is how the instant application has been filed for enlarging the applicant on bail.

7. When this application was placed before me yesterday Shri Gavankar made a statement that the applicant would remain present today. Accordingly, he is present in the Court today. The orders cancelling the bail were passed on 19th July 2006 and the application seeking to recall the same, was rejected on 31st July 2006.

8. I have been informed that the applicant is not taken into custody and the trial has not proceeded beyond framing of charges as yet. In these facts and circumstances, when the applicant had attended the Court on several occasions, it would not be fair to deprive him of his liberty. More so, when it is not pointed out to me that he would otherwise be not available at the trial. Shri Gavankar states that the applicant would attend the Sessions Court on every date on which the case is fixed for trial and only if the Court exempts him, that he would not be attending the case. Subject to such exemptions, the applicant should attend the trial, which in my view needs to be expedited in the interest of justice.

9. The Trial Court to endeavour and dispose of this case as expeditiously as possible and in any event within a period of one year from today. The applicant to attend the Trial Court on 21st September 2006. Needless to state that on that date if the applicant remains absent and no exemption is also granted, then the Trial Court to pass appropriate orders in accordance with law without in any manner being influenced by the order passed today.

10. The applicant would be entitled to avail of the bail conditions including reporting to the Police Station, as directed in the order dated 25th January 2000 of this Court.

(S.C.DHARMADHIKARI, J.)